

ASSEMBLY BILL

No. 580

Introduced by Assembly Member Huber

February 25, 2009

An act to amend Section 13291 of the Water Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 580, as introduced, Huber. Onsite sewage treatment systems.

Existing law, the Porter-Cologne Water Quality Control Act, on or before January 1, 2004, requires the State Water Resources Control Board, in consultation with others, to adopt regulations or standards for the permitting and operation of specified onsite sewage treatment systems. The act requires the state board to apply those regulations or standards to those systems commencing 6 months after their adoption. The act requires the regulations or standards to include exemption criteria established by the California regional water quality control boards.

This bill would specify that the exemption criteria may also be established by the state board.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 13291 of the Water Code is amended to
2 read:
3 13291. (a) On or before January 1, 2004, the state board, in
4 consultation with the State Department of Health Services, the

1 California Coastal Commission, the California Conference of
2 Directors of Environmental Health, counties, cities, and other
3 interested parties, shall adopt regulations or standards for the
4 permitting and operation of all of the following onsite sewage
5 treatment systems in the state and shall apply those regulations or
6 standards commencing six months after their adoptions:

7 (1) Any system that is constructed or replaced.

8 (2) Any system that is subject to a major repair.

9 (3) Any system that pools or discharges to the surface.

10 (4) Any system that, in the judgment of a regional board or
11 authorized local agency, discharges waste that has the reasonable
12 potential to cause a violation of water quality objectives, or to
13 impair present or future beneficial uses of water, to cause pollution,
14 nuisance, or contamination of the waters of the state.

15 (b) Regulations or standards adopted pursuant to subdivision
16 (a), shall include, but shall not be limited to, all of the following:

17 (1) Minimum operating requirements that may include siting,
18 construction, and performance requirements.

19 (2) Requirements for onsite sewage treatment systems adjacent
20 to impaired waters identified pursuant to subdivision (d) of Section
21 303 of the Clean Water Act (33 U.S.C. Sec. 1313(d)).

22 (3) Requirements authorizing a qualified local agency to
23 implement those requirements adopted under this chapter within
24 its jurisdiction if that local agency requests that authorization.

25 (4) Requirements for corrective action when onsite sewage
26 treatment systems fail to meet the requirements or standards.

27 (5) Minimum requirements for monitoring used to determine
28 system or systems performance, if applicable.

29 (6) Exemption criteria to be established by *the state board or*
30 *the regional boards*.

31 (7) Requirements for determining a system that is subject to a
32 major repair, as provided in paragraph (2) of subdivision (a).

33 (c) This chapter does not diminish or otherwise affect the
34 authority of a local agency to carry out laws, other than this chapter,
35 that relate to onsite sewage treatment systems.

36 (d) This chapter does not preempt any regional board or local
37 agency from adopting or retaining standards for onsite sewage
38 treatment systems that are more protective of the public health or
39 the environment than this chapter.

- 1 (e) Each regional board shall incorporate the regulations or
- 2 standards adopted pursuant to subdivisions (a) and (b) into the
- 3 appropriate regional water quality control plans.

O